

#### XIV. Section 75 (b), Rewards.

**351.** It was intended by Rule 1 of the rules under section 75 of the Indian Forest Act for the grant of rewards to the officers and

The Magistracy should be confined to directing when over one-half should be paid.

The Conservator should distribute the amount.

distribution and apportionment of the rewards should be left to the Conservators of Forests.\*

An informer should not lose a reward he deserves on account of other faults.

**352.** If an officer has been instrumental in obtaining a conviction or discovering property, he should not lose the reward because he is deserving of a penalty on some other ground.†

#### XV. SECTION 75 (c), TREES, THE PROPERTY OF GOVERNMENT BUT NOT GROWING IN RESERVED OR PROTECTED FORESTS.

##### A. Extract from Land Revenue Code, 1879, regarding Trees.

Extract from the Land Revenue Code, paragraphs 40 to 44 inclusive, dealing with the preservation, reproduction and disposal of trees belonging to Government but not grown in reserved or protected forests.

**353.** The following paragraphs 40 to 44 inclusive are taken from the Land Revenue Code and deal with the preservation, reproduction and disposal of trees and timber belonging to Government, but growing on lands not included in reserved or protected forests :—

*Section 40.*—In villages of which the original survey settlement has been completed before the passing of this Act, the right of Government to all trees in unalienated land, except trees reserved by the Government or by any survey officer whether by express order made at or about the time of such settlement, or by notification made and published at or at any time after such settlement, shall be deemed to have been conceded to the occupant. But in the case of settlements completed before the passing of Bombay Act I of 1865, this provision shall not apply to teak, blackwood or sandalwood trees. The right of Government to such trees shall not be deemed to have been conceded except by clear and express words to that effect.

In the case of villages or portions of villages of which the original survey settlement shall be completed after the passing of this Act the right of Government to all trees in unalienated land shall be deemed to be conceded to the occupant of such land except in so far any such rights may be reserved by Government, or by any survey officer on behalf of Government, either

\* Government Resolution No. 7717, dated 28th October 1893.

† Government Resolution No. 3502, dated 10th May 1897.

**XV. Section 75 (c), Trees, the property of Government but not growing in Reserved or Protected Forests.**

**A. EXTRACT FROM LAND REVENUE CODE, 1879, REGARDING TREES—continued.**

expressly at or about the time of such settlement or generally by notification made and published at any time previous to the completion of the survey settlement of the district in which such village or portion of a village is situated.

When permission to occupy land has been or shall hereafter be granted after the completion of the survey settlement of the village or portion of a village in which such land is situated, the said permission shall be deemed to include the concession of the right of Government to all trees growing on that land, which may not have been or which shall not hereafter be expressly reserved at the time of granting such permission or which may not have been reserved under any of the foregoing provisions of this section at or about the time of the original survey settlement of the said village or portion of a village.

Concession of Government rights to trees in case of land taken up after completion of settlement.

**Section 41.**—The right to all trees specially reserved under the provision of the last preceding section, and to all trees, brushwood, jungle or other natural product, growing on land set apart for forest reserves under section 32 of Bombay Act I of 1865 or section 38 of this Act, and to all trees, brushwood, jungle or other natural product, wherever growing, except in so far as the same may be the property of individuals or of aggregates of individuals capable of holding property, vests in Government and trees, brushwood, jungle or other natural product shall be preserved or disposed of in such manner as Government may from time to time direct.

Government trees and forests.

**Section 42.**—All road-side trees which have been planted and reared by, or under the orders of, or at the expense of, Government, or at the expense of Local Funds, vests in Government.

Road-side trees.

But in the event of such trees dying, or being blown down or being cut down by order of the Collector, the timber shall become the property of the holder of the land in which they were growing; and the usufruct, including the loppings of such trees, shall also vest in the said holder, provided that the trees shall not be lopped except under the orders of the Collector.

If the holder of any land in which such trees are growing shall so desire and make an application to the Collector for the purpose at any time within two years from the date on which this Act shall come into operation, the Collector shall deduct the strip of land covered by the said trees from his holding, and remit thenceforward the proportionate amount of land revenue due upon the strip so deducted.

Any strip of land so deducted shall, with the trees upon it, vest thereafter in Government.

**Section 43.**—Any person who shall unauthorizedly fell and appropriate any tree or any portion thereof, or remove any other natural product which is the property of Government, shall be liable to Government for the value thereof, which shall be recoverable from him as an arrear of land revenue, in

Recovery of value of trees, etc., unauthorizedly appropriated.

**XV. Section 75 (c), Trees, the property of Government but not growing in Reserved or Protected Forests.**

**A. EXTRACT FROM LAND REVENUE CODE, 1879, REGARDING TREES—concluded.**

addition to any penalty to which he may be liable under the provisions of this Act for the occupation of the land or otherwise, and notwithstanding any criminal proceedings which may be instituted against him in respect of his said appropriation of Government property.

The decision of the Collector as to the value of any such tree, or portion thereof, or other natural product, shall be conclusive.

**Section 44.**—In villages or lands in which the rights of Government to the trees have been reserved under section 40, subject to certain privileges of the villagers or of certain classes or persons to cut firewood or timber for domestic or other purposes, and in lands which have been set apart under section 38 for Forest Reserves subject to such privileges, and in all other cases in which such privileges exist in respect of any alienated land, the exercise of the said privileges shall be regulated by rules to be from time to time, either generally or in any particular instance, prescribed by the Collector or by such other officer as Government may direct.

In any case of dispute as to the mode or time of exercising any such privileges the decision of the Collector or such other officer shall be conclusive.

**B. Rules relating to sections 40 to 44 of Land Revenue Code as given above (section 353 of this Chapter).**

**General reservations.**

Rules 91 to 95 made under sections 41 to 44 of the Land Revenue Code regarding trees, the property of Government, not growing in reserved or protected forests.

**354. Rule 91.**—(1) The extent to which the right of Government to trees is generally conceded under the second paragraph of section 40 shall be specified in the notification issued under rule 90, sub-rule (1). The said general concession will ordinarily extend to all trees, except the following (namely):—

- (a) all road-side trees planted by or under the orders of Government;
- (b) teak, blackwood and sandalwood;
- (c) trees, the produce of which has hitherto been disposed of by Government.

(2) Trees in groves, trees round temples or places of encampment declared to be such by the Collector, and trees other than teak,

**\* Special reservations.**

blackwood or sandalwood which for any reason are of special value or utility will be specially reserved at the settlement and entries to that effect made in the settlement records.

(3) The right to trees of any of the above classes which have already been specially assigned to the occupant or purchased by him, or to trees standing in public places, shall not be affected by this rule or by any notification issued under rule 90, sub-rule (1).

**NOTE 1.**—Rule 90, sub-rule (1), relates to the notification of survey settlement.